

RAILROAD COMMISSION OF TEXAS
Oil and Gas Division

NOTICE TO OIL AND GAS WELL OPERATORS

**USE OF DIESEL FUEL IN CERTAIN WELL COMPLETION ACTIVITIES
REQUIRES AUTHORIZATION**

Most operators do not use diesel fuel in hydraulic fracturing fluids. However, in light of reports that diesel fuel has been used in a few instances across the nation in the past few years, the Railroad Commission believes it prudent to issue this notice.

Section 322 of the Energy Policy Act of 2005 amended the Underground Injection Control (UIC) portion of the federal Safe Drinking Water Act (42 USC 300h(d)) to define "underground Injection" to EXCLUDE "...the underground injection of fluids or propping agents (*other than diesel fuels*) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities." (italics and underlining added.)

SEC. 322. HYDRAULIC FRACTURING.

Paragraph (1) of section 1421(d) of the Safe Drinking Water Act (42 U.S.C. 300h(d)) is amended to read as follows:

'(1) UNDERGROUND INJECTION- The term 'underground injection'--

' (A) means the subsurface emplacement of fluids by well injection; and

' (B) excludes--

' (i) the underground injection of natural gas for purposes of storage; and

*' (ii) the underground injection of fluids or propping agents (*other than diesel fuels*) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.'*

Therefore, hydraulic fracturing may be subject to regulation under the federal UIC regulations if diesel fuel is injected or used as a propping agent, and an operator must submit a written request to the Railroad Commission's Technical Permitting Section of the Oil and Gas Division prior to such use.

If you have any questions concerning this issue, please contact Gil Bujano within the Technical Permitting Section by email at Gil.Bujano@rrc.state.tx.us or Leslie Savage at Leslie.Savage@rrc.state.tx.us.